

Message Text

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PAGE 01 OTTAWA 03268 282110Z
ACTION EUR-12

INFO OCT-01 ISO-00 HA-05 CIAE-00 DODE-00 PM-05 H-01
INR-10 L-03 NSAE-00 NSC-05 PA-01 SP-02 SS-15
ICA-11 /071 W

-----074622 282116Z /70

P 282054Z JUN 78

FM AMEMBASSY OTTAWA
TO SECSTATE WASHDC PRIORITY 7899
ALL CANADIAN POSTS POUCH

C O N F I D E N T I A L OTTAWA 03268

E.O. 11652: GDS
TAGS: PGOV, PINT, CA
SUBJECT: ROUGH SLEDDING FOR TRUDEAU'S CONSTITUTIONAL BILL

REF: OTTAWA 3127, 3083, 3077

1. MANY, PERHAPS MOST, PUNDITS WERE NOT PREPARED FOR THE
MAGNITUDE OF TRUDEAU GOVERNMENT'S LEGISLATIVE PACKAGE
FOR CONSTITUTIONAL REFORM (REFTELS). INDEED, A WEEK
AFTER TABLING OF THE LEGISLATION, OBSERVERS ARE STILL
GROPING FOR A RELATIVELY COMPREHENSIVE FEEL FOR THE
PACKAGE.

2. VERY MAGNITUDE AND COMPLEXITY OF THE PROPOSED LEGIS-
LATION, WHICH IS FOR DISCUSSION ONLY AT THIS POINT,
SUGGESTS TO US THAT TRUDEAU GOVERNMENT HAS VERY ROCKY
ROAD AHEAD IN TERMS OF ACHIEVING EVEN ROUGH CONSENSUS ON
MOST ELEMENTS OF THE PACKAGE. THERE ARE SIMPLY TOO MANY
HANDLES WHICH DISPARATE OPPONENTS CAN GRAB ONTO. JUNE 22
GLOBE & MAIL EDITORIAL, FOR EXAMPLE, CRITICIZED PROPOSAL
TO MAKE GOVERNOR GENERAL, RATHER THAN QUEEN, IN EFFECT
THE HEAD OF STATE. THIS ITEM HAS BEEN IGNORED BY MUCH
OF EARLY COMMENTARY ON THE LEGISLATION, BUT GLOBE & MAIL
ATTENTION SERVES AS REMINDER THAT THERE IS STRONG ROYAL-
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PAGE 02 OTTAWA 03268 282110Z

IST ELEMENT HERE, AND IT IS NOT HAPPY WITH THIS SEEMINGLY
INNOCUOUS PROVISION. BILL CONTAINS WIDE VARIETY OF PRO-
VISIONS, MANY OF THEM FAR MORE SIGNIFICANT THAN THIS
ONE AND EACH WITH ITS OWN PAROCHIAL CONSTITUENCY.

3. WITH MORE THAN 50 YEARS OF FAILURE TO AGREE ON CON-
STITUTIONAL REFORM, WITH PROVINCIAL RIGHTS ADVOCATES

PERHAPS NEVER MORE VOCAL AND STRONGER THAN NOW, AND WITH TRUDEAU'S RESOLVE NOT TO ENGAGE IN FEDERAL GIVE-AWAY OF POWERS AS FIRM AS EVER, WE DO NOT SEE HOW DISCUSSION OF THIS PACKAGE WILL LEAD TO ANYTHING BUT BICKERING FROM MANY QUARTERS. ALREADY THE NDP AND SOME PROVINCIAL PREMIERS HAVE CRITICIZED THE PROPOSAL TO ESTABLISH A HOUSE OF THE FEDERATION; THE PROGRESSIVE CONSERVATIVES HAVE ATTACKED TRUDEAU'S INTENTION TO PUSH HIS BILL THROUGH PARLIAMENT BY JULY 1979; AND JAMES RICHARDSON, FORMER LIBERAL DEFENSE MINISTER, WHO UNDOUBTEDLY REFLECTS THE SENTIMENTS OF A NUMBER OF ANGLOPHONES, HAS STRONGLY ATTACKED THE LANGUAGE PROVISIONS IN THE BILL.

4. WHETHER TRUDEAU WILL INDEED SEEK TO ENACT HIS BILL BY JULY 1979 WILL DEPEND ON A VARIETY OF FACTORS, INCLUDING THE DEGREE OF AND NATURE OF THE OPPOSITION TO HIS PROPOSALS AND, ESPECIALLY, WHAT HAPPENS IN THE NEXT ELECTIONS. WITH MEETINGS OF INTERGOVERNMENTAL MINISTERS IN AUGUST AND FIRST MINISTERS IN SEPTEMBER AS WELL AS REVIEW BY A JOINT PARLIAMENTARY COMMITTEE, PARLIAMENTARY DEBATE, AND CONTINUING COMMENTARY BY EVERY TYPE OF PUNDIT, SELF-STYLED OR OTHERWISE, THE PROPOSALS WILL BE DEBATED FULLY AND THEN SOME. PROBABLY EVEN MORE IMPORTANT THAN THE RESULTS OF THIS DEBATE WILL BE WHAT HAPPENS IN THE FEDERAL ELECTIONS, WHICH, IN OUR VIEW, ARE MORE LIKELY TO BE HELD THIS FALL THAN NEXT SPRING. IF THE
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CONFIDENTIAL

PAGE 03 OTTAWA 03268 282110Z

TRUDEAU GOVERNMENT IS RETURNED WITH A STRONG MAJORITY, HE MAY INTERPRET HIS VICTORY AS POPULAR APPROVAL OF THE CONSTITUTIONAL PACKAGE AND MOVE AHEAD, EVEN AMIDST HOWLS OF SPECIAL INTEREST GROUPS, INCLUDING SOME PROVINCIAL ADMINISTRATIONS. AT THIS MOMENT, HOWEVER, IT SEEMS DOUBTFUL THAT HE WILL ACHIEVE SUCH A MAJORITY, IN WHICH CASE THE FUTURE OF THE CONSTITUTIONAL BILL WILL BE IN SERIOUS JEOPARDY.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CONSTITUTIONAL AMENDMENTS, LEGISLATIVE BILLS
Control Number: n/a
Copy: SINGLE
Draft Date: 28 jun 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978OTTAWA03268
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780268-0185
Format: TEL
From: OTTAWA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780612/aaaaajwc.tel
Line Count: 103
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 44384f7e-c288-dd11-92da-001cc4696bcc
Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 78 OTTAWA 3127
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 08 jul 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2179546
Secure: OPEN
Status: NATIVE
Subject: ROUGH SLEDDING FOR TRUDEAU'S CONSTITUTIONAL BILL
TAGS: PGOV, PINT, CA, (TRUDEAU, PIERRE ELLIOTT)
To: STATE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/44384f7e-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014